

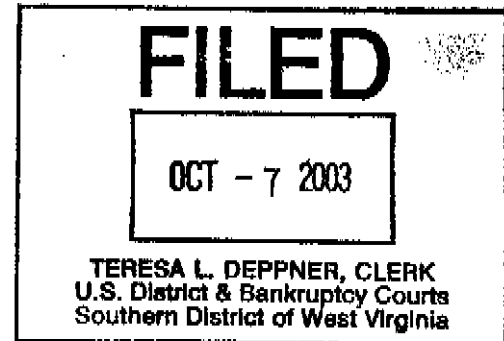
**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

**PENNY KENNEDY,
RAYMOND KENNEDY
Individually and as guardians
and next friends of TREVOR KENNEDY,
an infant under the age of eighteen**

Plaintiffs,

v.

**CIVIL ACTION NO. 2:03-0175
Charles Haden, II, Judge**



**UNITED STATES OF AMERICA.
CHARLESTON AREA MEDICAL CENTER, INC.,
d/b/a WOMEN AND CHILDREN'S HOSPITAL OF
WEST VIRGINIA, d/b/a WOMEN AND CHILDREN'S
HOSPITAL, d/b/a CAMC CHILDREN'S HOSPITAL,
d/b/a CAMC WOMEN'S HOSPITAL, d/b/a CAMC
WOMEN AND CHILDREN'S HOSPITAL,
INPHYNET HOSPITAL SERVICES, INC.,
a foreign corporation, doing business
IN the state of West Virginia, and DR. GORDON J. GREEN,
individually,**

Defendants.

**DEFENDANTS INPHYNET HOSPITAL SERVICES, INC.
AND GORDON J. GREEN, M.D.'S RULE 26(a)(1) DISCLOSURES**

**COME NOW Defendants InPhyNet Hospital Services, Inc. ("InPhyNet") and
Gordon J. Green, M.D. ("Dr. Green"), by counsel, David L. Shuman, Karen Tracy**

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McElhinny and Shuman, McCuskey & Slicer, PLLC, and make their initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure:

A. Names of Witnesses

1. Gordon Green, M.D., Emergency Department Physician at Charleston Area Medical Center, Women's and Children's Division.
2. Dr. Clinton Curtis, former Resident at Charleston Area Medical Center, Women's and Children's Division.
3. Dr. Eric Jones, orthopedic physician at WVU.
4. Dr. Burns, physician who treated patient at WVU.
5. Dr. Bailes, physician who treated patient at WVU.
6. Dr. Fred Epstein, physician who consulted with Dr. Bailes concerning the patient.
7. Plaridel Tordilla, M.D., physician who treated patient at Community Health Foundation of Man, Inc.
8. Dale Cook, PA-C at Community Health Foundation of Man, Inc..
9. Jennifer Defazio, PA-C, treated patient at WVU.
10. Anthony D. DiBartolomeo, M.D., physician who treated patient at WVU.
11. John Collins, M.D., physician who treated patient at WVU.
12. Any other physician or healthcare provider who evaluated or treated patient Trevor Kennedy at WVU Hospitals.
13. Any physician or healthcare provider who saw or treated patient Trevor Kennedy at Health South Rehabilitation.

14. Any physician or healthcare provider who saw or treated patient Trevor Kennedy at any other hospital or office.
15. Any physician or healthcare provider who saw or treated patient Trevor Kennedy at Charleston Area Medical Center.
16. Penny Kennedy
17. Raymond Kennedy
18. R. Williams, RN, nurse at Charleston Area Medical Center.
19. K. Phillips, RN, nurse at Charleston Area Medical Center.
20. Dr. Weisse, physician at WVU.
21. Dr. Jaynes, pediatric neurologist at WVU neurology clinic.
22. Dr. Tarakji, ophthalmologist.
23. Dr. John Collins, neurologist consulted by Dr. Bailes.
24. Physical therapists and teachers who have worked with Trevor Kennedy at Wyoming County Schools.
25. Anyone listed by any other party to this litigation.
26. Defendants InPhyNet and Dr. Green reserve the right to supplement this list of witnesses as discovery is ongoing.

B. Documents

1. Medical records from WVU.
2. Medical records from Health South Mountain View Rehabilitation.
3. Medical records from Appalachian Regional Healthcare Rehabilitation Center.

4. Records from RiteAid Pharmacy.
5. Records from Adkins Pharmacy.
6. Records from Logan General Hospital.
7. Records from Dr. Plaridel Tordilla and Community Health Foundation.
8. Records from Dr. Enrico Rallos and Gilbert Medical Center.
9. Medical records from Charleston Area Medical Center.
10. Medical records from Man Appalachian Regional Hospital.
11. Medical records from Dr. Rojas.
12. School records from Huff Consolidated Schools/Wyoming County Preschool Programs.
13. Office records from physicians affiliated with UHA and/or WVU who treated patient Trevor Kennedy.

Dr. Green and InPhyNet believe that the above-listed documents are already in the possession of Plaintiffs' counsel and counsel for Co-Defendants, but to the extent that any party wishes to receive copies of such documents, counsel for Dr. Green and InPhyNet is willing to provide copies in exchange for reasonable reimbursement for the costs of copying. For the Co-Defendants, counsel will need to provide written permission from the Plaintiffs to release medical records before copies can be produced.

InPhyNet and Dr. Green reserve the right to supplement this list as discovery is still ongoing.

C. Computation of Damages

Not applicable.

D. Insurance Agreements

Copies of the applicable insurance agreement have been requested and will be made available upon receipt.

**GORDON J. GREEN AND INPHYNET
HOSPITAL SERVICES, INC.**

By counsel.

SHUMAN, McCUSKEY & SLICER, PLLC

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By:



David L. Shuman WVSb No. 3389

Karen Tracy McElhinny WVSb No. 7517

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**UNITED STATES OF AMERICA,
COMMUNITY HEALTH FOUNDATION
OF MAN, WEST VIRGINIA, INC., and
DR. PLARIDEL TORDILLA, individually,
CHARLESTON AREA MEDICAL CENTER, INC.,
d/b/a WOMEN AND CHILDREN'S HOSPITAL OF
WEST VIRGINIA, d/b/a WOMEN AND CHILDREN'S
HOSPITAL, d/b/a CAMC CHILDREN'S HOSPITAL,
d/b/a CAMC WOMEN'S HOSPITAL, d/b/a CAMC
WOMEN AND CHILDREN'S HOSPITAL,
INPHYNET HOSPITAL SERVICES, INC.,
a foreign corporation, doing business
IN the state of West Virginia, and DR. GORDON J. GREEN,
individually,**

Defendants.

CERTIFICATE OF SERVICE

I, David L. Shuman/Karen Tracy McElhinny do here by certify that I served true and exact copies of the foregoing **Defendants InPhyNet Hospital Services, Inc. and Gordon J. Green, M.D.'s Rule 26(a)(1) Disclosures** on all counsel of record via the United States Postal Service in a stamped envelope addressed as follows:

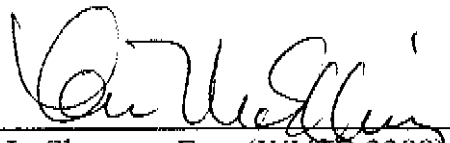
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Charleston, WV 25326
Counsel for United States

Dated this 6th day of October, 2003.



David L. Shuman, Esq. (WVSB 3389)
Karen Tracy McElhinny, Esq. (WVSB #7517)